



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

NOVEMBER 19, 2018

9:30

Calendar No. 18-236:

13400 Lorain Ave.

Ward 16

Brian Kazy

33 Notices

St. Vincent De Paul Church, owner, proposes to install a monument sign in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. 350.13(a)(g) Sign in Residential District: Per 350.13(g) Community Facility Uses. A variance shall be required and may be granted for Identification or Building Board signs using electronically changeable copy to display information pertinent to a Community Facility use on the premises of such Community Facility use only if the Board of Zoning Appeals determines that the sign will provide community information without adversely affecting the character of nearby residential properties, in accordance with the following provisions.(Filed October 17, 2018)

9:30

Calendar No. 18-238:

2021 W. 48 Street

Ward 3

Kerry McCormack

20 Notices

Urban Community School, owner, proposes to construct an Early Childhood Development Center in a B1 Two Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02(g)(3)© which states that the Board of Zoning Appeals approval is required for the use of a daycare center in a Two Family District.
2. Section 357.08(b)(1) which states that in a Residence District the depth of a rear yard shall be not less than fifteen percent (15%) of the depth of the lot but in no case less than twenty (20) feet; proposed rear yard is 11'-3 1/2 ".(Filed October 19, 2018)

9:30

Calendar No. 18-239:

3547 E. 49 St.

Ward 12

Anthony Brancatelli

6 Notices

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.02 which states that the use of the property in Residence Industry zoning district for second hand truck sales lot is not permitted but is first permitted in Semi- Industry zoning district per 345.03(c)(1)
2. Section 345.02(e) which states that adequate off street parking of trucks in is required to be screened from the streets or not nearer than fifty (50) feet to streets.
3. Section 345.02(f) which states that in a Residence Industry District, entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, than from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area. No such designation has been made by the City Planning Commission, BZA review and approval as noted is required.
4. Section 347.11(b) which states that all open areas of permanent use open sales lots that are intended either for display or for use as vehicular areas, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaces, impervious all weather material approval by the Commissioner of Building and Housing. Gravel lot is proposed.
5. Section 347.11(c) which states that all permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots. No grading or drainage plan submitted, no drains proposed on site plan.
6. Section 349.07(a) which states that accessory off street parking areas are required to be paved and drained and a gravel parking area proposed. No parking space striping shown on plan,
7. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that adjoins a building containing dwelling units, such parking spaces shall be screened from a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year round. No screening from adjoining lot containing dwelling unit(s) is proposed.
8. Section 349.05(a) which states that no parking space shall be located within ten (10) feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure. (Filed October 19, 2018)

9:30

Calendar No. 18-240:

**3547 E. 49 St./ Violation
Notice**

Ward 12

Anthony Brancatelli

Number Three Grace, LLC., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from Notice of Violation Number V18031663 issued on October 21, 2018 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02(c) of the Cleveland Codified Ordinances which states that there shall be no change, substitution or extension in the use of any building or premises until the required use permit and Certificate of Occupancy has been issued by the Division of Building and Housing and Section 337.23 which states that the use is not permitted in a Residence Industry District. (Filed October 19, 2018).

9:30

Calendar No. 18-242:

1965 W. 52 Street

Ward 15

Matt Zone

10 Notices

True North Living LTD., owner, proposes to erect a two story 20' x 42' single family residence with detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that a minimum of 18 inches from property line is required for accessory garage and the appellant is proposing 1'.
2. Section 349.07(a) which states that a driveway used to provide accessibility to accessory off street parking spaces shall be arranged to minimize traffic congestion.
3. Section 357.09(b)(2)(B) which states that the permitted building height is approximately 24'-6" thus no interior side yard shall be less than $\frac{1}{4}$ the height or 6.15' and the appellant is proposing 5' for the side building overhang and 3' for stair bay window.
4. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on side lot is 5'-0".
5. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit.(Filed October 23, 2018)

9:30

Calendar No. 18-244:

**4656 E. 173 Street/Waste
Collection Ticket**

Ward 1

Joseph T. Jones

Byron Norvell, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on October 16, 2018 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40005761 issued July 30, 2018 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed October 23, 2018)

POSTPONED FROM OCTOBER 1, 2018

9:30

Calendar No. 18-176:

3403 Denison Avenue

Ward 12

Anthony Brancatelli

25 Notices

Jean Saad, owner, proposes to change use to a community store in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 337.08 which states that in a Multi-Family District a community store is not permitted but is first permitted in Local Retail District
2. Section 352.10 which states that a 6' wide landscape strip is required between Denison Ave. and W 34 St. where parking abuts the street and a 4' landscape strip proposed.

3. Section 352.10 which states that a 6' transition strip is required at the rear and side where the use abuts a Multi-Family Districts.
4. Section 359.01 which states that a substitution of nonconforming use requires BZA approval. (Filed August 7, 2018-No testimony) *SECOND POSTPONEMENT MADE TO ALLOW FOR THE APPELLANT TO MEET WITH THE NEIGHBORING COUNCILMEMBER. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

POSTPONED FROM OCTOBER 29, 2018

9:30

Calendar No. 18-208:

691 E. 165 Street

Ward 8

Michael D. Polensek

18 Notices

Proterra, Inc., owner, proposes to use lot as "temporary storage material handling" in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

- 1.) Section 349.04(j) which states that open yard storage use requires parking in the amount of one space for each employee plus space equal to 15% of the gross lot area. Parking area in the amount of one space per employee plus 43,134 square foot parking area is required; approximately 2,500 square foot parking area that does not meet paving requirements of Section 349.07 is provided.
- 2.) Section 349.07(a) which states that parking, driveways, and vehicle maneuvering areas must be surfaced with concrete, asphaltic concrete, or asphalt or other surfacing materials approved by the Director of Building and Housing. Asphalt grindings surfacing and unpaved roadways are proposed.
- 3.) Section 345.04(a)(3) which states that the open yard storage of used building material (broken used concrete) is permitted only if the lot upon which the storage use occurs is located no closer than 500 feet to a residence district. Lot upon which proposed use will occur abuts a residence district to the west. Seven foot tall solid wall or fence must enclose use: screening mound is proposed around most of the proposed use except where it abuts newly proposed parcel to the northeast. (Filed September 18, 2018-NO TESTIMONY) *SECOND POSTPONEMENT MADE DUE TO AN ERROR IN THE WRITE UP. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*